

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New MexicoUnited States of America
v.
SERGIO RODRIGUEZ, aka: "CHURRO"

Case No. 20-MJ-1091

Defendant(s)

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY 12 2020

MITCHELL R. ELFERS
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 8, 2020 in the county of Cibola in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. §§ 841(a)(1), (b)(1)(C)	possession with intent to distribute a mixture or substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide)
18 U.S.C. § 1791	possession of contraband (fentanyl) in prison

This criminal complaint is based on these facts:

Refer to the attached Affidavit in Support of Criminal Complaint and Arrest Warrant by FBI SA Bryan M. Acee.

☒ Continued on the attached sheet.

Complainant's signature

Bryan M. Acee, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

By telephone - JHR

Date: May 12, 2020City and state: Albuquerque, New Mexico

Judge's signature

Jerry H. Ritter, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT & ARREST WARRANT

I, Bryan Acee, being duly sworn, depose and say:

1. I have been a law enforcement officer for 20 years and am employed as a Special Agent with the Federal Bureau of Investigation. Since March 2015, I have served as the lead case agent in the government's racketeering investigation of the New Mexico Syndicate (also known as the "Sindicato Nuevo Mexico" or "SNM" gang) This affidavit is submitted in support of a criminal complaint and arrest warrant charging validated SNM member SERGIO RODRIGUEZ, aka: "CHURRO," (RODRIGUEZ) with violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) possession with intent to distribute a mixture or substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide) and 18 U.S.C. § 1791 possession of contraband (fentanyl) in prison.

Background:

2. On July 24, 2019, RODRIGUEZ was sentenced to 60 months in federal prison, followed by 36 months of supervised release, as a result of pleading guilty to a violation of 18 U.S.C. §1962(d) Racketeer Influenced and Corrupt Organizations (RICO) Act conspiracy, Case No. 16CR1613JB.

3. In February 2020, RODRIGUEZ was transferred from the United States Penitentiary, Beaumont, Texas, to the Bureau of Prisons pre-release Diersen Residential Reentry Center in Albuquerque, New Mexico. Information from United States Probation Office personnel indicated RODRIGUEZ was returned to custody at the Cibola County Correctional Center in Milan, New Mexico, in February 2020 for testing positive for drug use, and in April 2020 for escape.

Investigation:

4. On May 8, 2020, I was contacted by gang investigators at the Cibola County Correctional Center (hereinafter "Cibola") and advised RODRIGUEZ had been found to be in possession of sixty fentanyl pills. United States Marshals Service Detention Management Inspector Richard Reifenscheid subsequently requested the FBI assist with the investigation, based on RODRIGUEZ' membership in the SNM.

5. I have spoken with officers at Cibola and am aware there are approximately nine SNM members incarcerated at the facility. On or about May 8, 2020, Cibola officers learned several SNM members had been discussing the fact RODRIGUEZ had drugs and would be transferred from the isolation unit to the

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT & ARREST WARRANT

restricted housing unit, where the other members of the SNM were confined. Cibola officers felt the information was reliable and obtained the necessary approvals to have RODRIGUEZ' person X-rayed by medical professionals. Prior to the start of the X-ray exam, RODRIGUEZ admitted he had controlled substances hidden inside his rectum. RODRIGUEZ retrieved the controlled substances and provided them to officers. The contraband was inspected by officers and determined to be:

- a. Two hypodermic syringes;
- b. One Suboxone strip; and
- c. Sixty small blue tablets, marked "M30."

RODRIGUEZ told officers the pills were fentanyl. The Suboxone and fentanyl tested positive via independent field tests and were placed in temporary evidence storage at Cibola.

6. On May 11, 2020, Special Agent (SA) Nancy Stemo and I took custody of the fentanyl tablets. I briefly examined the pills and recognized them to be counterfeit M30 oxycodone tablets, which are believed to contain variable amounts of fentanyl, and referred to as fentanyl, M30's, Blue's, or Smurf's, on the street.

7. At 12:24 pm, SA Stemo and I met with RODRIGUEZ and I advised him of his Miranda Rights, as they appear on the FBI FD-395a form. RODRIGUEZ said he understood his rights and was willing to answer our questions. RODRIGUEZ identified the suspected fentanyl tablets as having belonged to him and he said he had smuggled them into Cibola to sell to other inmates. He said he had not yet sold any of the fentanyl tablets because he was worried people might overdose on the drugs and he would be charged with their potential death(s). RODRIGUEZ said he had also brought in approximately fifteen Suboxone strips and had sold all, but one. RODRIGUEZ declined to identify where he had obtained the drugs, or who he had sold them to.

8. The approximate gross weight of the sixty fentanyl tablets was 11.2 grams. The substance was entered into the New Mexico State Police evidence by Task Force Officer Peter Andazola and sent to the state laboratory for further examination.


9. I am aware the Cibola facility is a prison in which persons are held in custody by the direction of or pursuant to a contract or agreement with the Attorney General of the United States.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT & ARREST WARRANT

Conclusion:

10. Based on the above information, I believe that there is probable cause to charge RODRIGUEZ with violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) possession with intent to distribute a mixture or substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide) and 18 U.S.C. § 1791 possession of contraband (fentanyl) in prison.

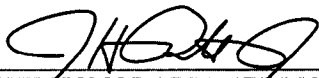
Respectfully submitted,



Bryan Acee
FBI Special Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON MAY 12, 2020:

By telephone - JHR



THE HONORABLE JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO